

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ERNEST BENAVENTE,**

**Plaintiff,**

**vs.**

**CIV. NO. 1:21-cv-0235-SMV**

**KILOLO KIJAKAZI,  
Acting Commissioner of  
Social Security,**

**Defendant.**

**ORDER ON DEFENDANT’S  
UNOPPOSED MOTION TO REMAND FOR FURTHER ADMINISTRATIVE  
PROCEEDINGS**

Defendant, the Acting Commissioner of Social Security (Commissioner), by and through her counsel, has filed an unopposed motion with this Court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the case to the Commissioner for further administrative proceedings (Doc. 23).

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner’s request for remand of this action for further proceedings, this Court hereby REVERSES the Commissioner’s decision under sentence four of 42 U.S.C. § 405(g) with a REMAND to the Commissioner for further administrative proceedings.<sup>1</sup> *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

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<sup>1</sup> The Clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.

SIGNED: December 21, 2021

BY THE COURT:



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HONORABLE STEPHAN M. VIDMAR  
United States Magistrate Judge

SUBMITTED AND APPROVED BY:

Filed Electronically 12/17/21

MELISSA C. SCHUENEMANN  
Special Assistant United States Attorney

Electronically approved 12/17/21

LAURA JOELLEN JOHNSON  
Attorney for Plaintiff